

Appl. No. 10/042,573  
Am dt. dated 01/26/2004  
Reply to Office action of 11/05/2003

REMARKS/ARGUMENTS

Reconsideration is requested of all rejections based on 35 U.S.C. 103:

Re claims 1-4: Examiner asserts that Lee et al. teach everything we recite in claim 1 (except mounting on a platen -- which is taught by Nagahara et al.). We respectfully point out that in our invention we teach that residual silicon oxynitride (SiON) is to be removed through rinsing in a solution that "comprises a surfactant that modifies hydrophobic behavior". Lee, on the other hand, teaches removal of SiON by continuing CMP with an oxide slurry that removes SiON (col. 6 lines 32-37) or by means of a separate chemical etching step and then rinsing in distilled water (col. 6 lines 38-41).

Thus, Lee et al. find it necessary to include an extra step in their process in order to achieve full removal of residual SiON particles. Our invention teaches how such an extra step may be avoided. If Lee et al. had simply taught use of a rinse that was different from the one that we teach, it could conceivably have been argued that our particular solution represented nothing more than an optimized version of Lee's. This, however, is not the case since, as we have noted above, Lee et al. teach that an **extra** step is required before rinsing can proceed.

We also respectfully point out that Examiner's description of what Lee et al. teach is inaccurate. On page 2 paragraph 3 of her rejection, Examiner states that the following words (*inter alia*) are part of Lee et al.'s disclosure --- surfactant, hydrophobic, residual, & particles. After searching Lee et al.'s entire patent we find that none of these words (that are key to the semantics of our claim 1) appear there.

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In light of the above arguments, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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